

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF NORTH CAROLINA;
PATRICK MCCRORY, in his official
capacity as Governor of North Carolina;
NORTH CAROLINA DEPARTMENT
OF PUBLIC SAFETY; UNIVERSITY
OF NORTH CAROLINA; and BOARD
OF GOVERNORS OF THE
UNIVERSITY OF NORTH
CAROLINA,

Defendants.

Case No. 1:16-cv-00425-TDS-JEP

UNOPPOSED MOTION TO EXTEND TIME TO RESPOND TO COMPLAINT

Pursuant to Federal Rules of Civil Procedure 6 and 12, Defendants the University of North Carolina and the Board of Governors of the University of North Carolina (collectively, the “UNC Defendants”) request that the Court extend the deadline for the UNC Defendants to respond to Plaintiff’s Complaint (ECF No. 1) by 45 days. Plaintiff does not oppose this request. The other Defendants consent to this request provided they receive a comparable extension to the same deadline. The putative Intervenor-Defendants likewise consent to this request. In support of this Motion, the UNC Defendants state:

1. Plaintiff served its Complaint on the UNC Defendants on May 11, 2016.

2. Plaintiff and Defendants have agreed that the time for the UNC Defendants to respond to the Complaint should be extended by 45 days, from June 1, 2016 to July 18, 2016.

3. Plaintiff and Defendants have further agreed that a comparable extension for the other Defendants is appropriate, such that all responsive pleadings by all Defendants would be due on July 18, 2016.

4. Good cause exists for this extension. The Attorney General of North Carolina has declined to defend the UNC Defendants in this suit. As a result, the UNC Defendants have had to find and formally retain outside counsel. This has been a time-consuming process that has only recently been completed. The UNC Defendants' recently retained counsel thus requires additional time to investigate, research, and analyze the complex and novel issues the Complaint presents.

5. Further, in addition to responding to the Complaint, the UNC Defendants are governmental entities engaged in numerous other preexisting and pressing matters. Those other matters are making substantial demands on counsels' time, further necessitating the requested extension. Also, the Complaint advances novel theories of liability under three separate federal statutes, which require detailed research and analysis by all Defendants. Finally, it will facilitate the orderly administration of this case and proper adjudication of the complex issues raised herein for this Court to adopt a single deadline for responsive pleadings from all Defendants, as agreed to by the parties and proposed herein.

6. Neither Plaintiff nor Defendants will be prejudiced by this extension, which is necessary to fully develop the relevant arguments on the extraordinarily important issues that are currently pending before this Court.

7. This request is made in good faith and not for the purpose of delay.

8. This is the UNC Defendants' first request for any extension in this proceeding.

WHEREFORE, the UNC Defendants respectfully request an order extending the deadline for Defendants to respond to the Complaint to July 18, 2016.

Dated: May 25, 2016

Respectfully submitted,

/s/ Carolyn C. Pratt

Carolyn C. Pratt (N.C. Bar No. 38438)

The University of North Carolina

P.O. Box 2688

Chapel Hill, NC 27517-2688

Tel: (919) 962-3406

Fax: (919) 962-0477

ccpratt@northcarolina.edu

*Attorney for Defendants University of
North Carolina and Board of Governors of
the University of North Carolina*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 25, 2016, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel or parties of record.

/s/ Carolyn C. Pratt
Carolyn C. Pratt

*Attorney for Defendants University of
North Carolina and Board of Governors
of the University of North Carolina*